

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CAREY MARTIN, Plaintiff,	)	
	)	1:10-cv-2611
	)	
v.	)	Judge Andersen
	)	Magistrate Judge Valdez
MIDLAND CREDIT MANAGEMENT, INC.	)	
Defendant.	)	

**PARTIES' PLANNING REPORT**

**1. A brief summary of the claims asserted in the complaint and any counterclaim or third party complaint.**

Plaintiff alleges that the defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA"), and the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"), arising out of debt collection telephone calls.

Defendant denies that Plaintiff has standing to pursue a claim under the FDCPA, and deny that the TCPA applies to their calls.

**2. A brief statement of the relief sought, including an itemization of damages.**

Plaintiff seeks statutory damages under both the TCPA and the FDCPA.

**3. A brief description of the matter referred to the magistrate judge or alternatively, attach a copy of the referral order.**

Judge Andersen referred this matter for discovery supervision.

**4. The status of any briefing on the matters referred.**

Midland's responsive pleading is due on August 9, 2010. No other briefing has happened in this case.

**5. If the case has been referred for discovery matters, a description of the discovery that has been completed and the future discovery contemplated, including identifying: (a) the depositions that have been taken; (b) the depositions that have been scheduled and the dates set; and (c) any other discovery contemplated.**

The parties conducted their scheduling conference on July 21, 2010. No formal discovery has been taken yet. Both parties will request discovery regarding the

telephone communications between the parties, telephone messages and the Caller ID used and received by the other party.

6. Whether the parties will consent to trial before a magistrate judge.

The parties do not unanimously consent to trial before the magistrate judge at this time.

**7. Any dates or deadlines established by the district judge for discovery cut-off, submission of pretrial order or trial. If no discovery dates have been set, attach to the initial status report a completed Rule 16(b) scheduling order.**

There have been no dates set at all in this case.

**8. The status of settlement negotiations, if any.**

The parties have preliminarily discussed settlement.

Respectfully submitted,

/Alexander H. Burke

Counsel for Plaintiff

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